

DUANE MORRIS LLP

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Trustee for the Deutsche Alt-A Securities Mortgage
Loan Trust, Series 2007-OA5 and Ocwen Loan
Servicing LLC*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*,
Debtors.

Case No. 12-12020 (MG)

Chapter 11

Jointly Administered

**OCWEN LOAN SERVICING LLC'S
LIMITED RESPONSE TO CLAIM OF MATINA DE SIMONE**

HSBC Bank USA, National Association as Trustee for the Deutsche Alt-A Securities Mortgage Loan Trust, Series 2007-OA5 (“HSBC”) and Ocwen Loan Servicing LLC (collectively with HSBC, “Ocwen”), by and through their undersigned counsel, hereby file this *Limited Response to Claim of Matina De Simone* (the “Limited Response”). In response to the claim, Ocwen respectfully states as follows:

Jurisdiction

1. This Court has jurisdiction to consider this Limited Response pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).
2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Limited Response

3. In 2010, Robert and Matina De Simone (collectively, the “De Simones”) commenced an action in the Middlesex County Superior Court in Massachusetts against GMAC Mortgage, LLC (“GMACM”), Mortgage IT, Inc., and Mortgage Options of America, Inc. seeking, among other things, to rescind a 2007 mortgage loan and enjoin a scheduled foreclosure sale. The counts against GMACM have been resolved by decisions of both the Massachusetts Superior Court and the Massachusetts Appeals Court.

4. Robert De Simone filed Proof of Claim # 3829 (the “Robert De Simone Claim”) against GMACM in the amount of \$825,703.23 on the basis of alleged “rescission and servicing violations,” essentially seeking to relitigate the issues previously adjudicated by the Massachusetts courts. Ocwen has filed, contemporaneously herewith, an objection to the Robert De Simone Claim on the basis that it is barred by the doctrine of *res judicata*.

5. Matina De Simone (“Claimant”) has filed her own separate claim – Proof of Claim # 3842 (the “Matina De Simone Claim”) – against GMACM in the amount of \$500,000 allegedly “relating to wrongful foreclosure.”

6. Neither HSBC nor Ocwen Loan Servicing LLC have any liability for Claimant’s alleged wrongful foreclosure claim because (i) upon information and belief, the real property in question has never actually been foreclosed upon, (ii) the claim is asserted against GMACM, not HSBC or Ocwen Loan Servicing LLC, and (iii) Ms. De Simone is not a signatory to the relevant loan or mortgage.

7. Accordingly, Ocwen takes no position with respect to the Matina De Simone Claim, but reserves its right to object or otherwise respond to the Matina De Simone Claim if this Court subsequently were to determine that such claim implicates Ocwen.

Notice

8. Ocwen has provided notice of this Limited Response to: (a) Claimant and/or his counsel; (b) the Office of the United States Trustee; (c) counsel to the ResCap Borrower Claims Trust; (d) the ResCap Borrower Claims Trust; (e) Office of the United States Attorney General; (f) Office of the New York State Attorney General; and (g) Office of the U.S. Attorney for the Southern District of New York. In light of the nature of the relief requested, Ocwen submits that no further notice is required or needed under the circumstances.

Dated: September 15, 2014

DUANE MORRIS LLP

/s/ Brett L. Messinger

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